

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

In the Matter of	)	
	)	
Distribution of 2014-2017	)	Docket No. 16-CRB-0009-CD
Cable Royalty Funds	)	(2014-2017)
	)	
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In the Matter of	)	
	)	
Distribution of 2014-2017	)	Docket No. 16-CRB-0010-SD
Satellite Royalty Funds	)	(2014-2017)
	)	
	)	

**Multigroup Claimants’ Motion for Disallowance  
of Claims by Settling Devotional Claimants**

Multigroup Claimants, in accordance with the Judges’ *Order for Further Proceedings and Scheduling Case Events* (the “*Scheduling Order*”; Jan. 10, 2022), hereby submits its *Motion for Disallowance of Claims by Settling Devotional Claimants*, which sets forth the bases for disallowance of claims asserted by the Settling Devotional Claimants (“SDC”) in these proceedings.

**BACKGROUND**

On January 10, 2022, the Judges ordered each participant:

“involved in controversies involving the validity or categorization of claims to disclose to all other participants, whether or not they believe the other participants have a specific interest in the claims controversies 1) ***their authority to represent each claimant***, 2) program information for each claimant (*e.g.*, correct title for each claimed program and other identifying information in cases in which titles may be confused), and 3) a clear statement, by royalty year, of each claim against the royalty fund and the claimant categories in which the asserted claim belongs. . . . The Judges intend to rule promptly on any motions relating to disclosure and

discovery, *and take a dim view of any party's reluctance to make the disclosures.*"

*Scheduling Order*, at 3.

"Disclosure and Discovery" commenced on January 12, 2022 (*Scheduling Order*, at 3), and pursuant to a stipulation entered into amongst all participants, discovery requests were to be submitted no later than January 28, 2022, with production due no later than February 18, 2022.<sup>1</sup> Pursuant to the *Scheduling Order*, disclosure and discovery concluded on March 16, 2022.

Despite the foregoing, as of the production date that all parties had agreed on (February 18), and as of the close of discovery (March 16), the SDC still had not produced documentation sufficient to establish the basis on which the purported legal counsel for the "SDC" was prosecuting satellite claims in these proceedings as an agent of the various parties that compose the SDC. (In contrast to Multigroup Claimants and the MPA, the various parties that compose the SDC do not contract with "the SDC", but rather directly with counsel for the SDC, e.g., Mr. MacLean, et al., to act as their agents in these proceedings.) Specifically, while the SDC produced an executed document relating to cable royalty proceedings titled "Fifth Amended and Restated 1999-2017 Devotional Claimants Cable Royalty Lead Counsel Compensation and Joint Collaboration Agreement" (**Exhibit A**), it only produced an *unexecuted* document relating to the satellite royalty proceedings, titled "Fifth Amended and Restated 1999-

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<sup>1</sup> "Follow-up discovery" requests relating to documents that were produced in discovery were to be submitted no later than March 1, 2022, but does not relate to documents that were not produced in discovery.

2017 Devotional Claimants Satellite Royalty Lead Counsel Compensation and Joint Collaboration Agreement” (**Exhibit B**).

The SDC addressed the obvious discrepancy in a letter addressed to Multigroup Claimants’ legal counsel:

“Signature pages for the agreement relating to satellite proceedings are temporarily unavailable in counsel’s office as a result of remote working conditions during the covid-19 pandemic, but will be produced once counsel is able to return to the office and retrieve copies.”

**Exhibit C**, at 3. As now appears suspect, the SDC objected to Multigroup Claimants’ request for the very documents that the Judges compelled each party to produce, i.e., a request for “the identity of the claimants you [e.g., Mr. MacLean] represent and documents supporting your authority to represent each claimant.” *Id.*

All concerns aside as to why not one of the *seven* legal counsel who have signature blocks appearing on the *unexecuted* document had a copy of the *executed* version thereof, the SDC’s failure to produce the executed document relied exclusively on the excuse set forth above, i.e., that such document will be produced once legal counsel are able to return to their office following resolution of covid-19 issues. Notably, legal counsel of record to the SDC – the law firm Pillsbury, Winthrop, et al. – was advertising itself as open for business as of the date of production, as were most businesses. Attached hereto are printouts from the law firm’s website confirming that its offices were open proximate to the production date, and even identifying the protocols imposed on visiting clients. **Exhibit D**. Consequently, the question is begged as to what the *actual* reason was for the SDC’s failure to produce a purportedly executed agreement

authorizing the law firms of record to represent the various SDC claimants in the satellite royalty proceedings.

Although the suggestion as of the February 18, 2022 production date was that the SDC would promptly produce documentation substantiating counsel's representation and filings, not until April 27, 2022, i.e., six weeks following the conclusion of "disclosure and discovery", did the SDC produce an executed version of the document allowing for representation in the satellite proceedings. **Exhibit E**. Even then, the document failed to reflect the actual date(s) of execution, but imposed an "Effective Date" of September 15, 2018 (**Exh. E**, at para. 13.4), further giving question as to when authority of the counsel of record was *actually* provided. Despite the SDC's obligation to produce such correspondence, both by means of the obligatory "disclosure" obligations imposed by the Judges on all parties, as well as the document request expressly propounded by Multigroup Claimants, no correspondence associated with the authorizing agreement's execution was produced by the SDC in order to substantiate the date by which authorization was actually provided for the satellite proceedings, or the validity of the document that was assigned an "Effective Date" of almost four years prior.

Moreover, such document was heavily redacted (see **Exhibit E**), which according to the SDC's "redaction log" submitted in connection therewith (see **Exhibit F**) was predominately based on a claim of "attorney-client privilege". Not only was production of the redaction log untimely, as it was also produced *six weeks* following the conclusion of "disclosure and discovery", on April 27, 2022, what remained unredacted in the

executed version of the document allowing representation in the satellite proceedings was the following contradiction:

(f) No Creation of Client Relationship Through Sharing Information. **Each Party understands** and acknowledges that except as provided in Section 2.3.2: (1) the Party is represented only by the Party's own Law Firm in this matter, and (2) while the Law Firms for the other Parties have a duty to preserve the confidences disclosed to them pursuant to this Agreement, **the sharing of such confidences shall not be deemed to create an attorney client relationship between any Law Firm and anyone other than the Party represented by that Law Firm.**"

**Exhibit E**, at para. 2.5.1(f).<sup>2</sup> The question is therefore begged what cognizable basis the SDC could assert that the "disclosure and discovery" documents compelled by the Judges and requested by Multigroup Claimants would be redacted, when its own claim of "attorney client privilege" is contradicted by the document it has produced.

#### ARGUMENT

**A. The SDC has failed to produce in discovery reliable documentation as to when counsel-of-record (e.g., Mr. MacLean) obtained authority to make claim for the SDC parties in the cable or satellite proceedings, and failed to timely produce in discovery *any* documentation as to when counsel-of-record obtained authority to make claim for the SDC parties in the satellite proceedings.**

Although purporting to make claim for royalties on behalf of several parties, no credible evidence has been produced to show when the law firms of Pillsbury, Winthrop, et al., and Lutzker and Lutzker LLP were actually engaged to represent multiple "SDC"

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<sup>2</sup> Paragraphs 3.1 and 3.2 of Exhibit E, to the extent not redacted, reconfirm the provisions set forth at paragraph 2.5.1(f), and more broadly confirms the applicability of Section 2 of the document, substituting any reference to "Phase I proceedings" with "Phase II proceedings".

claimants in the cable or satellite proceedings. Taken on its face as accurate, the agreement allowing authorization for the law firms to represent several other parties in the cable proceedings would establish an authorization date in September 2018.

Notwithstanding, the fact that the SDC was unable to produce a comparable agreement granting authorization for representation of such other parties in the satellite proceedings until *six weeks* following the conclusion of discovery, blamed such inability on easily disprovable covid-19 restrictions, and then utilized the same “Effective Date” of September 2018, strains credulity. In this context, what remains unsubstantiated by the various “SDC” parties is the *actual* date by which authorization was given for two law firms to represent non-client claimants in either of these cable or satellite proceedings.

This determination is critical, and dispositive as to whether certain “SDC” parties have valid claims that can be prosecuted, or whether those law firms acted as “placeholders” on their behalf. Whether such authorization (for *either* cable or satellite proceedings) occurred prior to the filing of petitions to participate, or were just unrealized expectations of representation by two law firms, cannot be established from the documents produced in discovery by the “SDC”. As regards the satellite proceedings, no documents were timely produced. As what further appears suspect, when satellite-related documents were produced on April 27, 2022, it was long after the close of “disclosure and discovery”, and long after Multigroup Claimants had any recourse to seek the production of further information, other than the instant motion.

As was repeatedly made clear by the Judges in the immediately prior distribution proceeding, in a series of rulings that heavily favored the MPA, the Judges *will not*

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*consider* documents not produced in discovery, even if they were inadvertently not produced. *Ruling and Order Regarding Objections to Cable and Satellite Claims* at 15, 27 (twice), 30, 32, 33 (thrice) (Oct. 23, 2017), Consolidated Proceeding nos. 14-CRB-0010-CD (2010-2013), 14-CRB-0011-SD (2010-2013). Where, as here, there was no claimed inadvertence or oversight by the SDC other than a poorly-formulated excuse that was easily disproved, no reasonable alternative exists other than for the Judges to dismiss the very claims reliant on the non-produced documents. That the SDC elected to not produce such critical documents in spite of the Judges' edict for any failure to do so, makes the necessary decision even more evident.

The law firms of Pillsbury, Winthrop, et al. and Lutzker and Lutzker LLP represent a variety of claimants, as identified in the attachments to the **Exhibit A** and **Exhibit E** agreements. However, what has not been produced in discovery is any reliable documentation of those firms' authority to represent in the cable/satellite proceedings all the other "SDC" parties that are not identified as their clients, nor was *any* documentation timely produced to confirm those firms' authority to represent the other "SDC" parties in the satellite proceedings.

## CONCLUSION

For the reasons set forth above, Multigroup Claimants respectfully moves for the Judges to dismiss all cable and satellite claims asserted by the Settling Devotional Claimants that are not expressly identified as clients of the law firms Pillsbury, Winthrop, et al. and Lutzker and Lutzker LLP in the attachments to the **Exhibit A** and **Exhibit E** agreements produced (albeit, untimely) in discovery.

Respectfully submitted,

Dated: May 4, 2022

\_\_\_\_/s/\_\_\_\_

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## Attorneys for Multigroup Claimants



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of May, 2022, a copy of the foregoing was provided to each of the parties on the attached service list via the Copyright Royalty Judges' eCRB electronic filing system.

/s/

\_\_\_\_\_  
Brian D. Boydston, Esq.

# EXHIBIT A

**Restricted Material Omitted**

# EXHIBIT B

**Restricted Material Omitted**

# EXHIBIT C

February 18, 2022

**Via Email**

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**Re: SDC Response to Multigroup Claimants' Claims Discovery Requests  
*Distribution of Cable & Satellite Royalties*  
Docket Nos. 16-CRB-0009 CD & 16-CRB-0010 SD (2014-17)**

Counsel:

The Settling Devotional Claimants ("SDC") hereby serve the following objections and responses to the discovery requests served by Multigroup Claimants ("MC") on January 28, 2022, in connection with the above-referenced proceedings and in accordance with the parties' agreed discovery schedule. A production of documents is being served via a secure file transfer system, which will send you and all parties in these proceedings instructions to download the production. Please let me know if you do not receive this download link or encounter any problems in accessing the production. A Bates Index is attached to identify which documents are produced in response to which request.

Certain documents being produced are designated RESTRICTED pursuant to the protective orders in these proceedings. A declaration is attached setting forth the basis for designation as required by the protective orders. Additionally, counsel is requested to return a signed copy of the Non-Disclosure Certificate required by the protective orders, a copy of which is attached for your convenience.

**GENERAL OBJECTIONS**

1. The SDC object to the extent these requests seek the disclosure of information and documents protected from disclosure by any privilege, including, without limitation, the

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attorney-client privilege, common interest privilege, and the work product doctrine. Privileged documents will not be produced. Any inadvertent production of privileged documents is not intended to constitute a waiver of the privilege.

2. The SDC object to the extent these requests seek production of documents to which the Multigroup Claimants and the SDC have equal access, including but not limited to documents provided by the Multigroup Claimants to the SDC, publicly available articles, Federal Register notices, filings with the Copyright Office, and Copyright Royalty Board, Copyright Royalty Tribunal, and CARP decisions and proceedings.

3. The SDC object to the extent these requests call for the creation of documents or the production of documents that are not in the SDC's possession or control.

### **REQUESTS AND RESPONSES**

The foregoing General Objections are incorporated in the specific responses and objections set for the below, and all responses and documents produced are subject to and without waiver of the General Objections.

**1. All cable and satellite royalty claims filed on behalf of any Settling Devotional Claimant entity for 2015, 2016, and 2017.**

**RESPONSE:**

Subject to and without waiving their objections, the SDC will produce the documents responsive to this request. Additionally, all responsive claims are available publicly on eCRB in the respective dockets for each year and proceeding.

**2. The identity of the claimants you represent and documents supporting your authority to represent each claimant.**

**OBJECTIONS:**

The SDC object because the SDC do not comprise an agent or entity as such, and each Settling Devotional Claimant files its own claim or claims on its own behalf or jointly with other claimants represented by the same counsel. As the Judges have previously found:

The SDC consist of a number of entities that filed individual claims on their own behalf. [Some filed joint claims through their own counsel, but all filed on their own behalf]. These claimants, recognizing a common interest, engaged joint counsel to represent their interests in this proceeding. The SDC are not an organization. The SDC did not, collectively, file any claims in this, or any, proceeding. Any party objecting to the validity of any claim represented by joint counsel for the SDC would necessarily have to state a valid objection to the claim per se. The SDC are not joint claimants for the devotional category and are not required to establish authority to represent entities in the claims process.



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*Memorandum Opinion and Ruling on Validity and Categorization of Claims*, Docket Nos. 2012-6 CRB CD 2004-2009 & 2012-7 CRB SD 1999-2009 (Phase II) (Mar. 13, 2015), at 6.

Furthermore, no Settling Devotional Claimant's authority to file claims has ever been questioned in any copyright royalty proceeding, and MC has stated no basis for raising such a challenge in these proceedings. Therefore, these requests are not tailored to or based on any controversies at issue and are not based upon a showing of need. They are overbroad, unduly burdensome, and are not reasonably calculated to lead to the discovery of admissible evidence.

Each of the Settling Devotional Claimants is entitled to a presumption of validity with respect to their claims, which were submitted with the appropriate declarations of authority pursuant to 37 C.F.R. § 360.4. The SDC object to the production of documents to show the validity of their claims in the absence of a particularized reason to question the validity of their claims.

In contrast, the SDC have reasonable grounds for submitting requests to MC concerning its authority to file claims and represent claimants. It appears that none of the MC Devotional Claimants submitted its own claim on its own behalf, and all were claimed, if at all, in joint claims submitted by MC, as an agent. Unlike the SDC, MC (and its parent entity, Worldwide Subsidy Group, LLC, doing business as Independent Producers Group) is a commercial enterprise formed for the sole purpose of representing claimants to royalties and filing claims on their behalf. MC's claims for certain entities have been successfully challenged in prior proceedings. Indeed, it has been established that MC has filed claims on multiple occasions on behalf of claimants for which it was not authorized to file claims and on behalf of claimants that did not own the copyrights to their claimed programming. *Id.*; see also *Memorandum Opinion and Order Following Preliminary Hearing on Validity of Claims*, Docket No. 2008-2 CRB CD 2000-2003 (Phase II), at 8-9 (Mar. 21, 2013). In addition, the Judges have ruled that MC is not entitled to a presumption of validity in its claims. *Ruling and Order Regarding Objections to Cable and Satellite Claims*, Docket Nos. 14-CRB-0010-CD (2010-13) & 14-CRB-0011-SDC (2010-13), at 5-12 (Oct. 23, 2017). Unlike the MC's requests to the SDC, the SDC's requests to MC are tailored to the controversies at issue, are based upon a showing of need, and are reasonably calculated to lead to the discovery of admissible evidence.

### RESPONSE:

Subject to and without waiving their objections, the SDC will produce redacted copies of their current joint collaboration agreements applicable to these proceedings, along with an appropriate redaction log. Signature pages for the agreement relating to satellite proceedings are temporarily unavailable in counsel's office as a result of remote working conditions during the covid-19 pandemic, but will be produced once counsel is able to return to the office and retrieve copies.

In addition, the SDC refer to Exhibit A, a schedule providing the information required by the CRB's January 10, 2022 Orders for Further Proceedings.

3. **Accurate program identity information for each claimant identified (e.g., correct title and other identifying information in cases in which titles may be confused, the underlying copyright owner for each program, etc.).**

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### OBJECTIONS:

The SDC object to the production of documents showing the “underlying copyright owner for each program.” This request is overbroad and unduly burdensome, because typically individual television program episodes programs do not have specific copyright registration documentation and there are a multitude of individual programs broadcast by each claimant over the years covered in these proceedings.

Each of the Settling Devotional Claimants is entitled to a presumption of validity with respect to their claims, which were submitted with the appropriate declarations of authority pursuant to 37 C.F.R. § 360.4. The SDC object to the production of documents to show the validity of their claims in the absence of a particularized reason to question the validity of specific claims.

### RESPONSE:

Subject to and without waiving their objections, the SDC refer to Exhibit A, a schedule providing the information required by the CRB’s January 10, 2022 Orders for Further Proceedings. Subject to further investigation and discovery, at this time none of the Settling Devotional Claimants claims the same program title as another claimant, or claims a program in any category other than the Devotional category.

- 4. All information reflecting that the represented claimant has the authority to make claim for the identified program, either as the copyright owner or as derived from the owner of copyright to the program.**

### OBJECTIONS:

The SDC object that this request is overbroad and unduly burdensome, because typically individual television program episodes programs do not have specific copyright registration documentation and there are a multitude of individual programs broadcast by each claimant over the years covered in these proceedings.

Each of the Settling Devotional Claimants is entitled to a presumption of validity with respect to their claims, which were submitted with the appropriate declarations of authority pursuant to 37 C.F.R. § 360.4. The SDC object to the production of documents to show the validity of their claims in the absence of a particularized reason to question the validity of specific claims.

### RESPONSE:

Subject to and without waiving their objections, the SDC refer to Exhibit A, a schedule providing the information required by the CRB’s January 10, 2022 Orders for Further Proceedings.

- 5. The unique program category that applies to each claimed program.**

### RESPONSE:

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Subject to and without waiving their objections, the SDC refer to Exhibit A, a schedule providing the information required by the CRB's January 10, 2022 Orders for Further Proceedings.

- 6. Any and all correspondence with represented claimants regarding conflicting claims to a particular program, and the resolution thereof, if any.**

### OBJECTIONS:

The SDC object that this requests seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence, because the SDC do not make conflicting claims to any programs. Any responsive correspondence is irrelevant absent a reason to believe the correspondence tends to make a claim invalid, and no reason exists to believe any correspondence occurred that would tend to undermine the authority to claim or validity of any claim to any particular program.

The SDC object that this request is vague and ambiguous as it is unclear whether it refers to correspondence among the Settling Devotional Claimants or between a Settling Devotional Claimant and some non-SDC represented claimant in these proceedings. For this reason, the request is also overbroad and unduly burdensome, as it would require a review of all communications from all of the SDC's members without any particularized reason to believe responsive documents exist or would be likely to lead to the discovery of admissible evidence.

### RESPONSE:

Subject to further investigation and discovery, there are no responsive documents to produce.

- 7. Any and [all] documents that undermine the basis for you to file each of the claims in this proceeding, e.g., any documents that withdraw, revoke, deny, dispute, limit, qualify, or otherwise "may tend to undermine" your claimed authority to represent the claimant (*see Independent Producers Group v. Librarian of Congress*, 793 F.3d 132, 139 (D.C. Cir. 2015)) or any documents that undermine claim to a particular program in this proceeding.**

### RESPONSE:

Subject to further investigation and discovery, there are no responsive documents to produce.

- 8. Any and all correspondence amongst represented claimants regarding any claim or program in this proceeding.**

### OBJECTIONS:

The SDC object that this requests seeks irrelevant information that is not reasonably calculated to lead to the discovery of admissible evidence, because mere correspondence regarding programs is unremarkable and discussion of the existence or status of claims is irrelevant absent a reason to believe the correspondence tends to make a claim invalid, and no reason exists to believe

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correspondence occurred that would tend to undermine the authority to claim or validity of any claim to any particular program.

The SDC object that this request is vague and ambiguous as it is unclear whether it refers to correspondence among the Settling Devotional Claimants or between a Settling Devotional Claimant and some non-SDC represented claimant in these proceedings. For this reason, the request is also overbroad and unduly burdensome, as it would require a review of all communications from all of the SDC's members without any particularized reason to believe responsive documents exist or would be likely to lead to the discovery of admissible evidence.

### RESPONSE:

The SDC will not produce documents in response to this request.

### **9. Any and all documents relating to each Settling Devotional Claimant entity's legal structure, ownership and control.**

#### OBJECTIONS:

The SDC object that this request is overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

There is no relevance to the legal structure, ownership, or control of any particular Settling Devotional Claimant. For members of the SDC who have been longstanding participants in these proceedings, there is no serious or material question regarding their structure or composition. Overall, the SDC is not a representative claimant the way that MC is, and therefore MC is not entitled to request documents relating to individual claimants' legal structure and control the way that the SDC have inquired into MC's legal structure and control, an inquiry that "is founded in history and circumstantial evidence." *Order Granting in Part and Denying in Part Multigroup Claimants' Motion to Compel Production by Settling Devotional Claimants*, Docket No. 14-CRB-0010-CD (2010-13), at 4 (Sep. 14, 2016).

### RESPONSE:

The SDC will not produce documents in response to this request.

### **10. Any and all documents showing the legal names of the entities that produced and distributed each Devotional program claimed by the Settling Devotional Claimants and Settling Devotional Claimant Entities.**

#### OBJECTIONS:

The SDC object to this request as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. There are a large number of programs involved in these proceedings, and it is unreasonable to expect the SDC to collect information as to the exact distribution and content creators involved in each and every program and episode thereof when there is no reason to believe that information would yield admissible or relevant evidence. The specific producer or distributor of individual programs is not relevant and there is

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no historical or evidentiary basis to believe that the Settling Devotional Claimants lack the authority to make the claims they have made.

Each of the Settling Devotional Claimants is entitled to a presumption of validity with respect to their claims, which were submitted with the appropriate declarations of authority pursuant to 37 C.F.R. § 360.4. The SDC object to the production of documents to show the validity of their claims in the absence of a particularized reason to question the validity of specific claims.

RESPONSE:

Subject to and without waiving their objections, the SDC refer to Exhibit A, a schedule providing the information required by the CRB's January 10, 2022 Orders for Further Proceedings.

Sincerely,

/s/ Michael Warley

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cc: See Certificate of Service below

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy the foregoing SDC Response to MC's Claims Discovery Requests was served on the following counsel for all parties on February 18, 2022 via email.

/s/ Michael Warley

Michael Warley

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# EXHIBIT D



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## WASHINGTON DC OVERVIEW

**We continue to monitor the COVID-19 situation and have implemented precautionary measures to safeguard our colleagues and guests. Please take a moment to review our Visitor Guidelines before attending a Pillsbury office or event.**

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Pillsbury's Washington, DC, office, the firm's largest, includes lawyers representing substantially all of the Pillsbury's diverse practices. Our lawyers are sought out by clients for their insight and advocacy on cutting-edge legal issues at the intersection of business, government and law. Our DC office is the hub of Pillsbury's regulatory practices, including our market-leading nuclear energy and communications practices, and our internationally

recognized global sourcing practice. **PUBLIC VERSION** Washington office is also home to an active and highly regarded litigation practice and, together with our nearby Northern Virginia office, nationally prominent corporate and intellectual property practices.

Our Washington office includes the following practices:

- Aviation, Aerospace & Transportation
- Communications
- Corporate
- Employment & Labor
- Energy
- Environmental
- Estate, Trusts & Tax Planning
- Financial Services
- Global Sourcing
- Government Relations & Political Law
- Insolvency & Restructuring
- Intellectual Property
- International Trade
- Litigation
- Nonprofit Organizations
- Real Estate
- Tax
- Technology

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## Visiting Pillsbury

# Important Information Concerning COVID-19 (Coronavirus)

# VISITING PILLSBURY

## VISITING OUR OFFICES AND PARTICIPATING IN PILLSBURY-HOSTED EVENTS

The spread of the 2019 Novel Coronavirus (COVID-19) has been declared a “public health emergency of international concern” by the World Health Organization. To help safeguard our colleagues, clients and guests visiting a Pillsbury office or event, we have implemented the following precautionary measures. Please take a moment to review these important guidelines.

Our clients and guests should refrain from visiting a Pillsbury office or event if they have:

- Traveled to or from a country in the past 14 days assigned a “Level 3” warning by the U.S. Centers for Disease Control and Prevention (currently: Mainland China, Iran, Italy, and South Korea).
- Traveled to or from a country in the past 14 days assigned a “Level 1” or “Level 2” warning by the U.S. Centers for Disease Control and Prevention (currently: Hong Kong and Japan) and they have reason to believe that they might have been exposed to COVID-19 or they are exhibiting any symptoms of infection, e.g., fever, cough, shortness of breath or other breathing difficulties.
- Been in close contact with someone who recently traveled to or from a country in the past 14 days assigned a “Level 3” warning by the U.S. Centers for Disease Control and Prevention (currently: Mainland China, Iran, Italy, and South Korea).
- Been in close contact with someone who has a confirmed COVID-19 diagnosis.

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# EXHIBIT E



**Restricted Material Omitted**

# EXHIBIT F

**PUBLIC VERSION**

**SETTLING DEVOTIONAL CLAIMANTS' REDACTION LOG**

April 26, 2022 Supplemental Claims Discovery Production

**SDC-000210-SDC-000247:** Fifth Amended and Restated 1999-2017 Devotional Claimants Satellite Royalty Lead Counsel Compensation and Joint Collaboration Agreement

§	Basis for Redaction	Description
1.2	Non-responsive, irrelevant	The redacted passage relates to establishment of trust accounts for fund years in which partial distributions have been made. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
1.3(b)	Non-responsive, irrelevant	The redacted passage relates to the computation of distributions to Billy Graham Evangelistic Association, which is represented by IPG for some years and is part of the SDC for other years. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
1.4	Non-responsive, irrelevant	The redacted passage relates to computation of distributions among the SDC, pursuant to a confidential settlement agreement. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.1	Work product, non-responsive, irrelevant	The redacted passage relates to computation of distributions among the SDC pursuant to a confidential settlement agreement, establishment of escrow accounts, and procedures for budgeting and paying expenses in connection with litigation. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.3	Work product, non-responsive, irrelevant	The redacted passage relates to budgeting and paying expenses in connection with litigation. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.3.1	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes for litigation planning, budgeting, staffing, and engagement of experts. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.3.2	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes for litigation planning, budgeting, staffing, and engagement of experts. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.

**PUBLIC VERSION**

<b>§</b>	<b>Basis for Redaction</b>	<b>Description</b>
2.3.3	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes for litigation planning, budgeting, staffing, and engagement of experts. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.3.4	Work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal process for approval of settlements. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.3.5	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes for making decisions through counsel. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.4	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes for disbursing and budgeting escrowed funds for use in litigation, and communications between the SDC and attorneys regarding such use. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.4.1	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes for objecting to fees charged by counsel, and for communication regarding such objections. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.4.2	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes and communication relating to payment of attorneys' fees. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.5.1(b), (c), (d), & (g)	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passages relate to the SDC's internal processes for protection of confidential and privileged information, including instructions to counsel relating to disclosure of confidential and privileged information. They have no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
2.6	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes for engagement and payment of expert witnesses and consultants. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.

**PUBLIC VERSION**

§	Basis for Redaction	Description
2.7	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to computation of distributions to the Devotional category and of partial distributions, including assessment by counsel relating to potential challenges to distributions and partial distributions. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
3.1	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passages relate to the mutual goals of the SDC in connection with the joint representation, and how litigation strategy will be formulated to seek to achieve those goals. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
3.2	Non-responsive, irrelevant	The redacted passage relates to approval of expenses incurred in connection with certain proceedings. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
3.3	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to advice by counsel of certain risks associated with participation in royalty proceedings as part of the SDC. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
4	Work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal process for amending their joint representation agreement. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
5.1, 5.2, 5.3, 5.4	Non-responsive, irrelevant	The redacted passage relates to indemnification obligations among the SDC and their counsel. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
6	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to the SDC's internal processes for protection of the confidentiality of the joint collaboration agreement, including instructions to counsel relating to disclosure of the confidential agreement. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
10	Non-responsive, irrelevant	The redacted passage relates to the forum for any lawsuit among the SDC or their counsel relating to the joint collaboration agreement. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
11	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passage relates to notices and communications required or permitted by the agreement, including communications with counsel. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.

**PUBLIC VERSION**

§	Basis for Redaction	Description
12	Attorney-client privilege, work product, non-responsive, irrelevant	The redacted passages relate to various matters in connection with the SDC's relationship with their counsel, including lead counsel, including conflicts of interest, counsel's advice relating to conflicts of interest, and processes for resignation, removal, or replacement of lead counsel. They have no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.
13.1	Non-responsive, irrelevant	The redacted passage relates to the identity of the SDC's escrow agents. It has no bearing on the identity of the claimants comprising the SDC or on the authority of the SDC to act collectively.

# Proof of Delivery

I hereby certify that on Wednesday, May 04, 2022, I provided a true and correct copy of the Multigroup Claimants' Motion For Disallowance Of Claims By Settling Devotional Claimants to the following:

SESAC Performing Rights, LLC, represented by John C. Beiter, served via E-Service at john@beiterlaw.com

Devotional Claimants, represented by Matthew J MacLean, served via E-Service at matthew.maclean@pillsburylaw.com

Public Television Claimants, represented by Ronald G. Dove Jr., served via E-Service at rdove@cov.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via E-Service at scott@oandzlaw.com

Commercial Television Claimants / National Association of Broadcasters, represented by David J Ervin, served via E-Service at dervin@crowell.com

Program Suppliers, represented by Lucy H Plovnick, served via E-Service at lhp@msk.com

Joint Sports Claimants, represented by Michael E Kientzle, served via E-Service at michael.kientzle@arnoldporter.com

National Public Radio, represented by Gregory A Lewis, served via E-Service at glewis@npr.org

Broadcast Music, Inc. (BMI), represented by Jennifer T. Criss, served via E-Service at jennifer.criss@dbr.com

Canadian Claimants, represented by Lawrence K Satterfield, served via E-Service at lksatterfield@satterfield-pllc.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

ASCAP, represented by Sam Mosenkis, served via E-Service at smosenkis@ascap.com

Signed: /s/ Brian D Boydston